

Appl. No. : 10/041,954  
Filed : January 7, 2002

### REMARKS

The November 3, 2006 Office Action was based upon pending Claims 1-79. This Amendment amends Claims 1, 18, 23, and 43 and cancels Claims 62-79. Thus, after entry of this amendment, Claims 1-61 are pending and presented for further consideration.

The November 3, 2006 Office Action rejected Claims 1-31 and 43-61 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter the applicant regards as the invention.

Further, the November 3, 2006 Office Action rejected Claims 62-79 under 35 U.S.C. 103(a) as being unpatentable over applicant's prior art in view of U.S. Patent No. 6,260,024 to Shkedy ("the Shkedy patent").

Reconsideration of the pending claims, as amended, is therefore respectfully requested.

### **REJECTION OF CLAIMS 1-31 AND 43-61 UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

#### **Claim 1**

The Examiner rejected Claim 1 because the terms "the promissory check" in line 13 and "the tendered promissory payment" in line 16 lack antecedent basis. In response, Applicant has corrected the antecedent basis of the terms.

#### **Claims 2-17**

Claims 2-17, which depend from Claim 1, are believed to be patentable for the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

#### **Claim 18**

The Examiner rejected Claim 18 because the term "the tendered promissory payment" in line 11 lacks antecedent basis. In response, Applicant has corrected the antecedent basis of the term.

#### **Claim 23**

The Examiner rejected Claim 23 because the term "the pre-selected period of time" in lines 1-2 lacks antecedent basis. In response, Applicant has corrected the antecedent basis of the term.

**Appl. No.** : 10/041,954  
**Filed** : January 7, 2002

### **Claims 19-31**

Claims 19-31, which depend from Claim 18, are believed to be patentable for the same reasons articulated above with respect to Claim 18, and because of the additional features recited therein.

### **Claim 43**

The Examiner rejected Claim 43 because the term "the point of sale" in lines 15-16 lacks antecedent basis. In response, Applicant has corrected the antecedent basis of the term.

### **Claims 44-61**

Claims 44-61, which depend from Claim 43, are believed to be patentable for the same reasons articulated above with respect to Claim 43, and because of the additional features recited therein.

### **REJECTION OF CLAIMS 62-79 UNDER 35 U.S.C. § 103(a)**

The Examiner rejected Claims 62-79 under 35 U.S.C. § 103(a) as being unpatentable over the applicant's prior art in view of Shkedy.

By this amendment, Applicant has canceled Claims 62-79 without prejudice or disclaimer. Accordingly, Applicant respectfully requests the Examiner to withdraw the objection under 35 U.S.C. § 103(a).

### **CONCLUSION**

Although amendments and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Furthermore, any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

In view of the foregoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Examiner is cordially invited to contact the undersigned such that any

Appl. No. : 10/041,954  
Filed : January 7, 2002

remaining issues may be promptly resolved. Also, please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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